Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 NEAE-00 SS-15 SSO-00 SP-02 EB-08 IGA-02
L-03 INR-07 INRE-00 IO-13 /061 W
----------241705Z 024490 /41
O 241225Z JAN 77
FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC IMMEDIATE 0762

C O N F I D E N T I A L NEW DELHI 1104

STADIS//////////////////////////////

FOR NEA/INS KUX

E.O. 11652: GDS
TAGS: EAID, IN
SUBJECT: PL 480 TITLE I AGREEMENT

REF: A. NEW DELHI 0954, B. STATE 013058

1. PARA 3 OF REFTEL A STATES POSITION OF GOI ON SECTION 103 (D)(3) AS GIVEN EMBASSY BY GOI NEGOTIATOR AT OPENING MEETING ON 1977 PL 480 TITLE I AGREEMENT. WORDING AS STATED WAS APPROVED BY HIM AND ALTHOUGH IT WAS UNCLEAR TO US AND TO HIM AT THAT TIME WHETHER WAIVER WOULD BE NEEDED UNDER THESE CIRCUMSTANCES, IT WAS CLEARLY UNDERSTOOD THAT OBTAINING WAIVER PRIOR TO SIGNING WAS A POSSIBILITY.

2. SUBSEQUENT TO MEETING REFTEL B WAS RECEIVED AND BASED ON ABOVE EMBASSY SUGGESTED WAIVER PROCESS BE STARTED. ON JAN 21, HOWEVER, GOI REP CALLED IN ECON COUNSELOR AND SAID CABINET POLITICAL COMMITTEE HAD DECIDED GOI WOULD NOT WANT TO REQUEST WAIVER.

3. ON JANUARY 24 AT SUBSEQUENT MEETING, GOI REP (V. (KRISHNASWAMY, JOINT SECRETARY, MOF) STATED THAT GOI WAS PREPARED TO SAY
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THAT INDIA MET CONDITIONS OF TERM "FRIENDLY COUNTRY" AS DEFINED IN SECTION 103. INDIA WAS NOT NOW NOR DOES IT HAVE ANY DEFINITE PLANS FOR TAKING ANY ACTION IN CONTRAVENTION OF SECTION 103. IN RESPONSE TO SPECIFIC QUERY FROM ECON COUNSELOR, GOI REP SAID HE WAS NOT ABLE AT THIS TIME TO SAY GOI PREPARED TO COMMIT INDIA TO THESE CONDITIONS FOR ENTIRE LIFE OF AGREEMENT. HE WOULD BE ABLE TO GIVE DECISION TOMORROW.

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4. COMMENT: MAIN CONCERN IS THAT INDIA DOES NOT WISH TO REQUEST A WAIVER FROM NEW ADMINISTRATION. GOI READING OF PL 480 LAW IS THAT RECIPIENT MUST MEET REQUIREMENTS AT THE TIME OF THE SIGNING OF AGREEMENT ONLY. IN THEIR VIEW, THERE IS NO PROVISION IN LAW REQUIRING ADVANCE WAIVER. QUESTION OF WHETHER GOI PREPARED TO ACCEPT CONDITIONS FOR LIFE OF AGREEMENT IS TO BE PUT TO FINANCE MINISTER, WHO IS RETURNING TO DELHI TOMORROW. IN MEANTIME, GOI HAS CABLED AMBASSADOR SINGH IN WASHINGTON ASKING FOR CLARIFICATION ON THEIR READING OF LAW.

5. POINT GOI HAD NOT FOCUSED ON IS WHETHER AN ACTION CONTRARY TO CONDITIONS IN SECTION 103, WITHOUT PRIOR REQUEST FOR WAIVER, AT ANY TIME DURING LIFE OF AGREEMENT CONSTITUTED VIOLATION RESULTING IN EITHER CANCELLATION OF ANY UNSHIPPED PORTION OF COMMODITY OR REQUIREMENT FOR IMMEDIATE PAYMENT. IF POSSIBLE, EMBASSY WOULD LIKE TO GIVE USG OPINON ON THIS POINT BEFORE ANY DECISION MADE BY GOI. PLEASE ADVISE URGENTLY.

6. IF DEPT DESIRES, STADIS DISTRIBUTION MAY BE CHANGED.
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